

Patent  
700603.3

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Marie-Cecile van de Lavoir

Serial No.: 10/067,148

Filed: February 1, 2002

For: CHIMERIC BIRD FROM  
EMBRYONIC STEM CELLS

Group Art Unit: 1636

Examiner: Sumesh Kaushal

## FIFTH INFORMATION DISCLOSURE STATEMENT

## MAIL STOP INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant in this Information Disclosure Statement is for the general information and consideration by the Examiner. Applicant does not represent or admit that these publications or

## CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile (571/273-0769) on the date shown below to Examiner Sumesh Kaushal, Commissioner for Patents, P.O. Box 1450, Alexandria 22313-1450.

April 28, 2004  
Date of Transmission  
DOCSOC1:150275.1  
700603-3 K2M

  
Lynne Fulmer

Patent  
700603.3

other information referred to therein are material under Rule 56 or qualify as "prior art" under 35 USC § 102 or § 103 with respect to Applicants' invention.

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

X This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

X The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

**STATEMENT UNDER 37 CFR § 1.97(e):**

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making

Patent  
700603.3

reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

## PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).

X Please charge \$180.00 to Deposit Account No. 150665 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick Herrington & Sutcliffe's Deposit Account No. 150665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: April 28, 2004

By: 

Kurt T. Mulville, Reg. No. 37,194

4 Park Plaza,  
Suite 1600  
Irvine, CA 92614  
949/567-6700 X 7740  
Telephone  
949/567-6710  
Facsimile

<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)	<b>ATTY. DOCKET NO.</b> 700603.3	<b>SERIAL NO.</b> 10/067,148
	<b>APPLICANT:</b> Marie-Cecile van de Lavoie et al.	
	<b>FILING DATE:</b> February 1, 2002	<b>GROUP:</b>

U.S. PATENT DOCUMENTS							
EXAMINE R INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE

FOREIGN PATENT DOCUMENTS							
EXAMINE R INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATIO YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
		Acloque, Hervé et al., "Identification of a new gene family specifically expressed in chicken embryonic stem cells and early embryo," Mechanisms of Development 103 (2001) 79-91

DOCSOC1:150276.1 700603-3 K2MEXAMINER: Not Yet Assigned	<b>DATE CONSIDERED:</b>
<b>EXAMINER:</b> Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant	